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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,486	11/28/2001	Enrique Molina	408-001	1468
50760	7590	05/16/2007		
NEIL F. MARKVA 8322-A TRAFORD LANE SPRINGFIELD, VA 22152			EXAMINER CHAPMAN, JEANETTE E	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/995,486

Applicant(s)

MOLINA, ENRIQUE

Examiner

Chapman E. Jeanette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7 and ~~44~~ 50 is/are pending in the application.
- 4a) Of the above claim(s) ~~9~~ 47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 and 48-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1,3-7 and 48-50 rejected under 35 U.S.C. 102(e) as being anticipated by Meilleur (6070380). Meilleur discloses an assembly for producing vertically disposed poured-in-place wall structure having horizontally disposed reinforcing ribs having horizontally disposed reinforcement rods 23/27, said assembly comprises:

1. wall molding means 13/13' for forming laterally spaced opposed molding surfaces that define a mold cavity; the wall molding means comprises vertically disposed laterally spaced wall forming panels 13/13' to provide said molding surfaces along opposed sides of said wall mold cavity
2. a plurality of grid means 17' suspended along the vertically disposed molding surfaces in the cavity for contiguously supporting said reinforcement rods 25/23/27 which extend substantially parallel to the molding surfaces and are freely contiguously disposed at a plurality of vertically spaced locations within the mold cavity;

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3. the grid means also extends vertically along the molding surfaces
4. the cavity having an upwardly directed top opening into which hardenable material is to be poured and hardened to produce said wall structure within the mold cavity;
5. the panels 13/13' are portable and joined by elements 19 for removable vertical disposition to form the wall cavity; the means for vertically disposing said wall forming panels is effective to maintain the wall panels independently with respect to each other
6. a plurality of grid means 17' are laterally spaced horizontally with respect to each other along said opposed molding surfaces
7. As far as understood, the reinforcement rods are horizontally and freely disposed across said plurality of grid means
8. the reinforcement rods 23/27 parallel to the molding surfaces 13/13' are laterally spaced with respect to each other between the molding surfaces.
9. the grid means includes a plurality of grid elements extending vertically along/between the molding surfaces
10. each of the grid element being fixedly attached to a plurality of tie members 19 that are perpendicular to the molding surface and horizontally disposed at spaced pre-selected vertical location for contiguously and freely contiguously disposed reinforcement rods.
11. the grid elements include rod locating means 17 for maintaining the reinforcement rods 23/27 at horizontal locations spaced inwardly from each of the opposed molding surfaces while hardenable material is poured into the cavity.

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12. the rod locating means 17 includes a pair of parallel vertically disposed elongate elements fixedly extending across the tie members 19 at each horizontal location between the molding surfaces to retain the rods that extend horizontally across and normal to the vertically disposed grid elements.

13 meilleur discloses the means for attaching the grid to the opposed panels to retain the rods in place at a plurality of vertically spaced locations while the hardenable material is poured. The means is that panels 13/13' are cast onto the grids 17. Applicant's arguments with respect to claims 1,3-7, and 48-50 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JEANETTE CHAPMAN  
PRIMARY EXAMINER  
ART UNIT 3635

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